

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SANDRA EILRICH,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:21-cv-0832-DAD-KJN

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. Nos. 28, 31, 32)

Plaintiff Sandra Eilrich, proceeding with counsel, brought this action seeking judicial review of the Commissioner of Social Security's final decision denying plaintiff's application for benefits under the Social Security Act.¹ (Doc. No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 31, 2023, the assigned magistrate judge entered findings and recommendations recommending that plaintiff's motion for summary judgment (Doc. No. 28) be denied, that the defendant Commissioner's motion for summary judgment (Doc. No. 31) be granted, and that the Commissioner's final decision be affirmed. (Doc. No. 32.) The findings and recommendations

¹ Marc Eilrich was the original claimant of benefits at issue here. However, this action was brought by his wife, Sandra Eilrich, after her husband passed away during the lengthy proceedings following the filing of the original claim. In plaintiff's pending motion for summary judgment, counsel requests that Marc and Sandra Eilrich's only children, Marcy Eilrich, Tammy Lynn Szpila, and Dwayne Marc Eilrich, be substituted for plaintiff in this action as both Marc and Sandra are now deceased. (Doc. No. 28 at 3, n. 1.) That request is hereby granted.

1 were served on the parties and contained notice that any objections thereto were to be filed within
2 fourteen (14) days from their date of service. (*Id.* at 17.) To date, no objections to the findings
3 and recommendations have been filed, and the time in which to do so has now passed.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
5 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
6 findings and recommendations are supported by the record and by proper analysis.

7 Accordingly:

- 8 1. The findings and recommendations issued on July 31, 2023 (Doc. No. 32) are
9 adopted in full;
- 10 2. Plaintiff's motion for summary judgment (Doc. No. 28) is denied;
- 11 3. Defendant's motion for summary judgment (Doc. No. 31) is granted;
- 12 4. The Commissioner's final decision is affirmed; and
- 13 5. The Clerk of the Court is directed to close this case.

14 IT IS SO ORDERED.

15 Dated: August 25, 2023

16 
UNITED STATES DISTRICT JUDGE